

April 5, 2010

The Honorable A. Kathleen Tomlinson
United States District Court
Eastern District of New York
100 Federal Plaza, Courtroom 920
Central Islip, NY 11722

RECEIVED
IN CHAMBERS OF
A. KATHLEEN TOMLINSON
APR 06 2010
TIME A.M.
P.M.

Re: Order 07-5138 (JFB)(AKT)
Chord Assoc. et al v. Protech et al

Dear Judge Tomlinson:

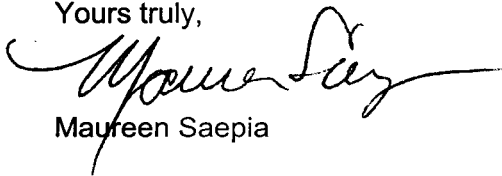
I write on behalf of myself and my brother, Richard Saepia, in reference to your recent Order compelling us to appear for depositions. We are quite concerned that your Honor is unaware of the actual circumstances regarding this matter.

Last year when we were informed that we were required to appear for depositions, I communicated with defendants' attorneys Rachel Kramer and Catherine McGrath that we were willing to appear for the depositions on the day they requested, June 1, 2009. Although they insisted that we be deposed in their Manhattan office, we understood that, as non parties, we were not required to go to their office but could instead be deposed at an office closer to our residences. If you may remember, Your Honor actually ruled that we need not go to Manhattan. At no time did we ever refuse to appear on the day defendant's counsel requested.

We were still willing to appear on June 1, 2009 but Ms. McGrath was not able to arrange for a court reporter until the next day. On June 2, both Richard and I appeared for depositions on Long Island which were conducted by Ms. Kramer.

As we are not familiar with litigation proceedings, we apologize if we were required to notify Your Honor that we had been deposed so you would not have had to take time from your busy schedule to issue the recent Order. We were under the impression that Ms. McGrath or Ms. Kramer would have notified you that we fully complied with the deposition requirement.

Yours truly,


Maureen Saepia

Cc: Andrew S. Donner, Esq.
Bruce H. Kaplan, Esq.
Roland Conde
Catherine McGrath, Esq.

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1 From

Date 4-5-2010 Sender's FedEx Account Number

Sender's Name M. SAEPIA

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State

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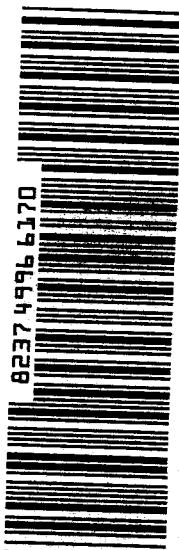
City

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Form ID No.

4a Express Package Service
Next business morning

1 ☐ FedEx Priority Overnight
Next business morning

3 ☐ FedEx 2Day*
Second business day

4b Express Freight Service
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7 ☐ FedEx 1Day Freight*
Next business day

5 ☐ Packaging
Letter*

6 ☐ FedEx Envelope/
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3 ☐ Special Handling
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1 ☐ SUNDAY Delivery
Available for FedEx Priority Overnight and FedEx 2Day to select ZIP codes

Does this shipment contain dangerous goods?
One box must be checked.

4 ☐ Yes
Is per attached Shipper's Declaration not required in FedEx packaging

7 ☐ Payment Bill to:
Sender Section 2 ☐ Recipient 3 ☐ Third Party 4 ☐ Credit Card 5 ☐ Cash/Check

1 ☐ Sender Section 2 ☐ Recipient 3 ☐ Third Party 4 ☐ Credit Card 5 ☐ Cash/Check

Total Packages

Total Weight

Exp. Date

Total Charges

Credit Card Auth.

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.

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8 ☐ FedEx 2Day Freight
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Includes FedEx Box and customer pkg.

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Not available with FedEx First Overnight

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360

